

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KAYLA BENOIT, et al.,

Plaintiffs,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

No. 4:21-cv-853-SEP

MEMORANDUM AND ORDER OF TRANSFER

Before the Court are Plaintiffs Kayla Benoit's and Nicole Castleberry's motions for leave to proceed *in forma pauperis*. Docs. [2], [3]. The motions will be provisionally granted, and the Court will transfer the action to the United States District Court for the Southern District of Illinois.

Plaintiffs bring this action against the United States Army Corps of Engineers without identifying the federal statute under which they bring their claims, but the Court understands Plaintiffs to be seeking to quiet title to an interest in real property located at 11548 Eagleton Park, Fieldon, Illinois, 62031, which is located in the Southern District of Illinois. *See* 28 U.S.C. § 93(c). Pursuant to 28 U.S.C. § 1402(d), this action may be brought in the district court of the district where the property is located. Accordingly, venue is proper in the Southern District of Illinois.

Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Because Plaintiffs are proceeding *pro se*, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Southern District of Illinois. The Court will direct the Clerk to effect this transfer immediately, without observation of any waiting period.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Kayla Benoit's and Plaintiff Nicole Castleberry's motions for leave to proceed *in forma pauperis* are **PROVISIONALLY**

GRANTED, subject to modification by the United States District Court for the Southern District of Illinois.

IT IS FURTHER ORDERED that the Clerk shall **IMMEDIATELY TRANSFER** this case to the United States District Court for the Southern District of Illinois.

Dated this 15th day of July, 2021.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk".

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE